



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

Via Electronic Mail To: dmcnamee@uvpure.com

Docket No. F-02-2020-5026

David McNamee
UV Pure Technologies Inc.
1-455 Milner Avenue
Toronto, ON, Canada M1B 2K4

Re: NOTICE OF REFUSAL OF ADMISSION

Import of Hallet UV Disinfection Device, Entry No. CIU-51568750

Dear Mr. McNamee:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or the Act), as amended, 7 U.S.C. § 136, et seq., the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

Product Name: Hallett
Importer: UV Pure Technologies Inc
Consignee: Orenco Systems Inc
Bill Number: FWDN71779969
Entry Number: CIU-51568750
Entry Date: 05/29/20
Entry File Date: 05/29/20
Port of Entry: 0901 – Buffalo/Niagara Falls

You were previously notified via a Notice of Detention and Hearing, dated June 9, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. Specifically, EPA had examined images of the product's label and saw the label does not have an EPA establishment number. The products in the shipment referred to above are therefore misbranded, as that term is defined by Section 2(q) of FIFRA, 7 U.S.C. §136(q). Misbranded pesticide devices are prohibited from sale and distribution in the U.S.; therefore, the products are in violation of FIFRA § 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F). The June 9, 2020 Notice further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the products are in compliance with the Act and eligible for entry has been submitted to EPA. Instead, on June 12, 2020, you confirmed that the EPA establishment number was not printed on the label and provided an image of a planned label for future shipments which shows the EPA

establishment number. You also stated your company would return the above shipment to your facility in Canada to be relabeled to come into compliance.

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of misbranded products into the United States.

If you have any questions, please contact Michael Brannick at 732-321-4349 or brannick.michael@epa.gov.

Sincerely,

for Dore LaPosta, Director
Enforcement & Compliance Assurance Division

cc: US Customs & Border Protection at Buffalo/Niagara Falls (buffaloacedesk@cbp.dhs.gov)
Laura Brown, Cole International USA Inc. (laura.brown@coleintl.com)
Lisa Vandepol, UV Pure Technologies (LVandepol@uvpure.com)